

RECEIVED
CENTRAL FAX CENTER
DEC 14 2006

REMARKS

Comments re. Amendments

Applicant has amended claim 46 to clarify the claimed features. Specifically, claim 46 has been amended to require the wand of the biopsy device to have a housing with at least one driving member within the housing configured to move at least one deployable tissue contacting element of the biopsy device and the drive unit to have a receptacle which receives the wand housing and has a drive element which engages the driving member in the wand housing.

Applicant has also amended a number of claims to make the language consistent and to correct a variety of informalities.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 46-50, 52, 57, 58, 67, 70, and 71 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Desai (U.S. Pat. No. 5,395,312) in view of Russin (U.S. Pat. No. 5,795,308).

Applicant has carefully reviewed the Desai reference and could find no teaching or suggestion that a biopsy wand has a housing on the proximal portion thereof which has a driving member that engages a tissue cutter or additional operating member. Moreover, a drive unit having a receptacle which receives the wand housing and has a driving element that engages the driving member therein. There is likewise nothing in Russin which might suggest these features.

Claims 51, 53-56, 68, 69, and 72-75 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Desai in view of Russin and in further view of Kresch et al. (U.S. Pat. No. 5,527,331). The Examiner also rejected claims 59-63 under 35 U.S.C. §103(a) as being unpatentable over Desai in view of Russin


and in further view of Kresch et al. and in further view of Gough et al. (U.S. Pat. No. 5,683,384).

However, Kresch et al. and Gough et al. fail to suggest the features which Desai and Russin do not teach. Therefore, the combination of references suggested by the Examiner does not meet the requirements of at least claims 46 and 67 and those claims which depend from claims 46 and 67.

Conclusion

Applicants believe that the presently pending claims define patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance of these claims are earnestly solicited.

Respectfully submitted,

By: 
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Telephone: (415) 957-3000
Facsimile: (415) 957-3001
Direct Dial: (415) 957-3067